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53156	7590	12/12/2005	EXAMINER	
YOUNG LAW FIRM, P.C. 4370 ALPINE RD. STE. 106 PORTOLA VALLEY, CA 94028			BASHORE, ALAIN L	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/235,120
Filing Date: January 21, 1999
Appellant(s): PURI ET AL.

MAILED
DEC 12 2005
GROUP 1100

Alan W. Young
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7-20-05 appealing from the Office action
mailed 10-13-04

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,732,401	Conway	3-1988
4,918,602	BONE	4-1990
5,970,476	FAHEY	10-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-12 and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of (Bone et al and Fahey).

Conway discloses a computer implemented actual costing method for collecting and presenting an actual cost of performing an activity. Actual costs of performing at

least one of: a job performed, an item manufactured or an item purchased, is collected. A cost source identifier is created for each collected actual cost and storing collected actual costs (element 28).

The activity could be carried out contemporaneously with the performance of the job. There is implemented a selected accounting costing method for actual cost collection and a selected costing method for actual cost presentation (col 2, lines 33-45). The cost source identifier is associated to a step carried out while performing a service.

A computer system computes an actual cost of performing an activity from collected actual costs incurred. The system includes at least one processor, at least one data storage device, and processing logic. There is provided a machine-readable medium having stored thereon data representing sequences of instructions which, when executed by a computer system performs specific steps (figs 1 and 9). Conway appears to disclose a sequence of operations carried out while performing the service of the business activity.

Conway does not explicitly disclose:

both costing methods are independent of each other, where the method also may further include a method as recited in claim 2;

a unique (as in new) cost identifier created and stored upon each occurrence of a transaction that affects the actual cost of carrying out the activity.

Also not disclosed by Conway is a cost source identifier that may include: data structure with pointer and date actual cost was incurred, stored cost identifiers organized as a hierarchical structure including nodes, and implemented by rolling up the actual costs within the cost source identifiers assigned to nodes hierarchically below the selected node level.

Bone et al discloses costing methods that may be independent of each other (col 1, lines 10-60, col 2, lines 30-55), where the method also may further include a method as recited in claim 2 of appellant (col 3, line 39).

It would have been obvious to one with ordinary skill in the art to utilize independent costing methods because Bone et al teaches that independence is important because of a particular user's inquiry may not require all database information (col 1, lines 30-32).

Fahey discloses new unique cost identifiers created and stored upon each occurrence of a transaction that affects the actual cost of carrying out an activity. The cost source identifier may include: data structure with pointer and date actual cost was incurred. The stored cost identifiers may be organized as a hierarchical structure

including nodes, and implemented by rolling up the actual costs within the cost source identifiers assigned to nodes hierarchically below the selected node level (col 6, lines 53-67; col 7, lines 1-50).

It would have been obvious to one with ordinary skill in the art to include new unique identifiers (which include data structure and date) upon each occurrence of a transaction that affects the actual cost of carrying out an activity because of what is taught by Fahey. Fahey teaches that a decision support system methodology requires current identifiers (col 1, lines 25-35).

It would have been obvious to one with ordinary skill in the art to include hierarchical structure including nodes, and implemented by rolling up the actual costs because Fahey teaches multidimensional presentation as desirable and comparisons of attributes require comparisons (col 3, lines 18-27; col 4, lines 12-46).

Regarding Fahely, table 1 discloses activities which would be obvious to one with ordinary skill in the art to include items manufactured and services being provided because the activities disclose functions that provide manufactured items and services. Fahely is utilized to modify the cost identifiers of Conway for specific steps to be new unique cost identifiers created and stored upon each occurrence. Since Fahely discloses that his activities include specific steps (such as manufacturing or service), this does not "teach away" from use by one with ordinary skill in the art to be use for

combining with Conway. Fahely discloses: "it is desirable to provide a data warehouse which contains data that more accurately reflects the enterprise wide production and indirect support costs attributed to product families and individual products" (col 1, lines 26-30).

Fahely further discloses creating cost source data structure including a plurality of attribute fields that is populated (fig 4c) and nodes (fig 6).

It would have been obvious to one with ordinary skill in the art to include creating cost source data structure including a plurality of attribute fields that is populated further to include nodes because Fahey teaches activities are associated with different aspects of business that must be considered (col 9, lines 55).

(10) Response to Argument

Fahey discloses as can be clearly shown in figure 4c that there is "unique" cost source identifier data structure, including a plurality of attribute fields. Since there is various relationships, there is "hierarchical" structure, and there appears to be described attribute fields. Fahely appears to disclose nodes (figure 6).

Bone et al discloses costing methods that may be independent of each other (col 1, lines 10-60, col 2, lines 30-55), where the method also may further include a method as recited in claim 2 of appellant (col 3, line 39).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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